

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL
FILED

STATE AUTOMOBILE MUTUAL INSURANCE
COMPANY, an Ohio corporation,

Plaintiff,

v.

MAR 16 2007
CLERK OF COURT
U. S. DISTRICT COURT
EASTERN MICHIGAN
Case Number: 05-74002
Honorable Victoria A. Roberts

EDGE CONSTRUCTION COMPANY, a Michigan
corporation, and SOLOMON
OBASUYI, jointly and severally,

Defendants

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**TEMPORARY RESTRAINING ORDER AND NOTICE OF HEARING ON MOTION
FOR PRELIMINARY INJUNCTION AND APPOINTMENT OF RECEIVER**

At a session of said Court,
held in the County of Wayne
State of Michigan on **MAR 16 2008**
VICTORIA A. ROBERTS
U.S. DISTRICT JUDGE
PRESENT: _____
Honorable District Court Judge

Plaintiff having filed its Ex-Parte Motion for Temporary Restraining Order, for Preliminary Injunction and Appointment of Receiver; and the Court being otherwise fully advised in the premises;

ALBER
CRAFTON ^{PSC}
ATTORNEYS AT LAW

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IT IS HEREBY ORDERED that Plaintiff's Ex-Parte Motion for Temporary Restraining Order is granted.

IT IS FURTHER ORDERED that Defendants, Edge Construction Company and Solomon Obasuyi, are hereby prohibited from taking any action to dismiss, compromise, settle or abandon the lawsuit pending captioned Edge Construction Company vs. United States, U.S. Court of Claims Case No. 06-635C (the "Government Claim") until further Order of this Court.

The Court appoints George J. Bedrosian to serve as a Receiver to take control of the Government claim, pursuant to FRCP 66. Under that Rule, "the appointment of a receiver can be sought 'by anyone showing an interest in certain property or a relation to the party in control or ownership thereof such as to justify conservation of the property by a court officer.'" *Santibanez v Wier McMahon & Co.*, 105 F.3d 234, 241 (5th Cir. 1997). Plaintiff will cover all costs of the Receiver appointment.

IT IS FURTHER ORDERED that this Temporary Restraining Order is granted without notice because this Court has determined that any delay occasioned by such notice, or the fact of notice itself, could cause or allow Defendants to dismiss or take other action with respect to the Government Claim. Such potential harm is irreparable because a dismissal of the Government Claim would forever prevent Plaintiff from exercising its assignment rights and equitable subrogation rights with respect to the Government Claim.

IT IS FURTHER ORDERED that a hearing on Plaintiff's Motion for Preliminary Injunction and for Appointment of Receiver shall take place on 3/21/07, 2007 at 3:30 p.m.

IT IS FURTHER ORDERED that Plaintiff is not required to provide security as Defendants will not suffer costs or damages by virtue of such Temporary Restraining Order.

Dated: 3/16/07


VICTORIA A. ROBERTS
UNITED STATES DISTRICT COURT